

THE LAW OFFICE OF

**ELISA HYMAN, P.C.**

April 13, 2021

**Via ECF**

Hon. Alvin K. Hellerstein, United States District Judge  
U.S. District Court - Southern District of New York  
500 Pearl St.  
New York, NY 10007

The June 11, 2021 conference is hereby adjourned  
until July 2, 2021 at 10 am.

So ordered,  
/s/ Alvin K. Hellerstein  
Alvin K. Hellerstein  
6/10/21

Re: *A.M., et al. v. NYC Dep't of Educ., et al.*, No. 20-cv-6502 (AKH)

Dear Judge Hellerstein:

I represent the Plaintiffs in the above-referenced case but am writing jointly with Defendants to respectfully request an adjournment of the conference scheduled for June 11, 2021 for two reasons. This is the parties' third adjournment request.

First, as we have previously informed the Court, this case involves some complicating factors, even though it is a straightforward IDEA case for attorneys' fees and costs.<sup>1</sup> Plaintiff R.K., now an adult, is unfortunately incarcerated and Plaintiffs' counsel has not been able to speak with him. Plaintiffs' counsel has made efforts to reach Plaintiff A.M., who has since moved out of state, but has been unsuccessful in getting A.M. to respond and contact our office. Plaintiffs' counsel has consulted an ethics attorney who believes we could proceed in discussing settlement without Plaintiffs, if the Court agrees.<sup>2</sup> The parties believe that they will be able to settle the matter, without Court intervention and even without Plaintiffs' presence. Plaintiffs will provide Defendants their billing records shortly. Defendants will need time to review the records and obtain authority for settlement from the Office of the Comptroller. Thus, a conference at this time seems premature.

The second reason for the adjournment request is due to the Law Department's current technology issues. At this time, Defendant's counsel is unable to access her files and may not be able to do so on Friday, June 11<sup>th</sup>, in order to have a substantive discussion of this case.

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<sup>1</sup> Plaintiff A.M. is the parent of R.K., a former student with a learning disability. Plaintiffs' complaint against the New York City Department of Education ("DOE"), Chancellor Richard Carranza, and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") seeks, *inter alia*, attorneys' fees and costs as the prevailing party in underlying administrative proceedings pursuant to the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504").

<sup>2</sup> It is likely that Plaintiffs' counsel may need to seek an order from the Court to finalize any settlement in Plaintiffs' absence.

The parties propose submitting a status update no later than July 16, 2021. Thank you for Your Honor's attention to this matter.

Respectfully Submitted,

*Erin O'Connor*

Erin O'Connor, Of Counsel  
The Law Office of Elisa Hyman, P.C.  
Counsel for the Plaintiffs

Cc: Rosemary Yogiaveetil, Esq., Counsel for Defendants